

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**RUSSELL A. POWELL,**

Plaintiff,

v.

**GREENVILLE INDEPENDENT  
SCHOOL DISTRICT and RICK LYNCH,**

Defendants.

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Civil Action No. **3:10-CV-0545-L**

**ORDER**

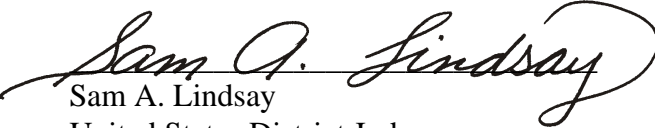
Before the court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, filed September 25, 2010. Plaintiff did not file objections.

Plaintiff is proceeding *pro se* and *in forma pauperis*. He sued his former employer, Greenville Independent School District (“GISD”), and its director of human resources, Rick Lynch. The court dismissed the claims against GISD with prejudice on August 20, 2010. Plaintiff asserts claims of defamation and slander against Lynch for alleged statements made about Powell after he resigned from GISD. GISD and Lynch moved to dismiss the claims against him pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The magistrate judge recommends dismissing Plaintiff’s claims against Lynch with prejudice for failure to state a claim upon which relief can be granted pursuant to the Texas Tort Claims Act election-of-remedies provision. Tex. Civ. Prac. and Rem. Code § 101.106(a), (e).

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are correct. The magistrate judge’s findings and conclusions are therefore **accepted** as those of the court. The court **grants** Defendants’ Motion to Dismiss Amended Complaint, filed July 23, 2010, and **dismisses**

Plaintiff's claims against Lynch **with prejudice** pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The court will enter judgment by separate document.

**It is so ordered** this 13th day of October, 2010.

  
Sam A. Lindsay  
United States District Judge